





Judicial Highlights 2002

Judge Gutierrez Named to Appeals Court

Governor Kempthorne appointed Judge Sergio Gutierrez, former Third Judicial District Judge, to the Court of Appeals in 2002. He became the first Hispanic to serve on an appellate court in Idaho. Judge Gutierrez filled the remainder of an unexpired term and was elected to a full, six-year term in May.

Courts Impacted By Holdbacks

The Idaho courts, like all of state government, coped with budget reductions during 2002. The impacts included a reduction in the fiscal year 2003 budget and an additional holdback during the year of \$899,100. The Supreme Court carefully and thoroughly reviewed its operations in order to identify where cuts could be made, without sacrificing the core services the courts must provide to Idaho citizens.

Justices and Judges Win Re-election

Chief Justice Linda Copple Trout was re-elected to the Idaho Supreme Court in May for a new six-year term. The Chief Justice won 62% of the vote against a challenger. Justice Gerald Schroeder was also re-elected to a six-year term. In the trial courts, voters in each of Idaho's seven Judicial Districts voted to retain all the magistrate judges on the November ballot. First District voters selected Judge Steve Verby as retiring Judge James Michaud's replacement. Second Judicial district voters selected attorney John Bradbury to replace retiring Judge George R. Reinhardt III. Judges Renae Hoff and Michael Wetherell were elected in the third and fourth districts respectively, replacing retiring judges Dennis Goff and Dave Carey.



Family Violence Court in Ada County

Senior Judge Lowell Castleton began presiding over a new Family Violence Court during 2002. The effort involved a broad coalition of representatives from Boise, Ada County, the state and volunteers. Judge Castleton handles every domestic violence case filed in Ada County after the initial hearing is held, and then handles the divorce, custody and related criminal cases as well.

Task Force Studies Financing of Judicial Elections

A legislative task force considered the financing of Idaho's judicial elections during 2002 and recommended modification of the campaign finance reporting requirement for independent expenditures. The task force also called for establishment of a more comprehensive study of all aspects of judicial elections and selection.

2002 Kramer & Granata Awards Presented

Bob Hamlin of Boise, Executive Director of the Idaho Judicial Council, was the recipient of the annual Kramer Award in recognition of excellence in judicial administration in Idaho. Second District Judge George Reinhardt of Grangeville, received the Granata Award presented to recognize professionalism in the Idaho judiciary.



Drug Court Innovations Continue

As of December 2002, thirty drug courts were operating in all of Idaho's judicial districts. Thirteen drug courts were added in the last twelve months and 627 offenders were being supervised, as of October 2002, an increase of 62 percent from a year ago.

During the last year Idaho's Drug Court Coordinating Committee focused on bringing new drug courts to full operational status and building statewide support systems. State substance abuse treatment allocations were made to districts totaling \$1,787,525 and contracts were implemented to pay for treatment services. Drug court treatment is provided by state certified providers, most being part of the statewide treatment network administered by the Department of Health and Welfare. It is hoped that flexibility built into the contracting system will pave the way for new statewide practices and reduce treatment costs.

Despite many challenges and reduced resources, drug courts remain a positive and cost-effective effort. All three branches of government, Idaho policymakers, and citizens can be proud of this effort. As one

drug court judge recently observed, "Drug courts are the most rewarding thing I have been involved in during my twenty years on the bench."

Coordinated Family Court Services Make Idaho a Leader

A total of 32,682 Idahoans received coordinated family court services in 2002, through Court Assistance Offices, Family Court Services Coordinators, parent education and/or other direct services.

Five of the seven judicial districts now have a Family Court Services Coordinator. This position is an important resource to judges in accessing services for families going through a divorce or modifying terms of a previous custody decree as well as for victims of domestic violence. At the direction of a Magistrate Judge, the Coordinator assesses the case and, depending on the needs, may recommend ADR screening, mediation, parent education, effective co-parenting classes, a parenting coordinator and/or supervised visitation. The Coordinator either provides the services directly or maintains a list of qualified service providers to assist the family.

Court Assistance Officers now serve all judicial districts, and offices are located in 26 counties. The Court Assistance Officer acts as a one-stop clearinghouse to access legal services, information, forms and other resources for those involved in family law cases and other civil matters. These forms are also now available on the Supreme Court website.

Mental Health Court Established

Idaho's first mental health court, one of the very few such courts in the nation, began operations in August 2002. Judge Brent Moss of Rexburg has been the guiding force in developing the new court. Judge Moss and others have devoted much time and considerable effort to developing innovative and effective solutions for defendants with serious mental health problems.

The mental health court operates very much like a drug court, but the supervision is even more intensive, for criminal defendants diagnosed with severe and persistent mental illness. Participants are monitored daily, some several times a day, to make sure they are taking their medications, and are meeting the other requirements of the court, including attending treatment, maintaining a job, and staying off illegal substances.

Judicial District Highlights



- Courts continue
 to operate in
 Benewah, Bonner
 and Kootenai
 Counties and
 a Juvenile Drug
 Court has been
 started in Kootenai County.
- A pilot project for software to enhance fine collection in conjunction with the new version of ISTARS has been completed in Kootenai County.
- Active utilization of Senior and Plan B Judges in Magistrate and District Court has been of tremendous assistance in scheduling and delay reduction in the District.

Second Judicial District

- Clearwater County has implemented a web site this year with general information on the courts. A new digital recording system has been installed in the county's large courtroom.
- Security was a major focus in Nez Perce County, with the formation of a security committee and the completion of a countywide security plan accomplished during 2002.
- The 2nd District hired a Drug Court Coordinator, Joan Nuxoll, a former addictions counselor at the prison in Cottonwood. She has helped set up and manage the four felony drug courts in the district, in Clearwater, Idaho, Latah, and Nez Perce Counties.

Third Judicial District

Canyon County implemented a felony drug court during the year and by years' end the program had 42 clients, with only four clients being dropped from the

program since its inception. Two clients gave birth to drugfree babies and the program received an after-care enhancement grant.

- Following nine unsuccessful attempts over several years, Gem County voters passed a bond issue during 2002 to provide funding for a new jail. A 52-bed facility is under construction and is scheduled to be completed by June 2003.
- Payette County upgraded courtroom facilities during 2002, including improvements in handicapped access and security. Meanwhile, Washington County continued to upgrade security in its courthouse by the installation of security cameras in all critical areas of the building.

Fourth Judicial District

- The Ada County jury system will be getting a facelift and complete overhaul beginning in January 2003. The new system allows the Jury Commissioner to create the jury summons directly from the data on the Master Jury Wheel.
- Ada County undertook a pilot Family Violence Court, a collaborative effort of various agencies and individuals in Ada County, to create a safer environment for victims of domestic violence and their children, and to establish a more effective interface with the courts for all those involved in cases where domestic violence is a common factor.

Judicial District Highlights (cont.)



county to consolidate a number of county and court functions that had previously been in a variety of locations in the Boise area.

Larry Reiner was selected to replace John Traylor as the new Trial Court Administrator.

Fifth Judicial District

- The district hired a new full time drug court coordinator,
 Darrell Roskelly, former Clerk of the Court for Cassia County.
- The Fifth Judicial District met with most of its 15 legislators with a "Judge prepared" dinner and several legislators took advantage of the Legislator on the Bench program.

Sixth Judicial District

- The Families First program was funded through a partnership with Health and Welfare to identify people who go through its system who might benefit from mediation, communication, or education regarding child custody, etc., available through the Court system.
- The Interim Parenting Time Evaluations program provides information to judges regarding custody for divorcing parents who cannot solve custody issues through general mediation.

Funding was provided through a partnership with Health and Welfare funding and Legislative funding for Family Court Services.

The District's
Youth Courts are run
by youth from the

local high schools in an effort to educate and change thinking patterns of young people who are caught committing crimes for the first time. These programs are funded through the Millennium Fund and exist in Bannock, Caribou and Oneida Counties, as well as in other judicial districts.

Seventh Judicial District

- The Five-County Juvenile Detention Board (Clark, Fremont, Jefferson, Madison, and Teton Counties) voted to build a new 56-bed facility in Fremont County (32 detention beds, 24 treatment beds). This facility will provide both detention and treatment for the juvenile justice population in the five county area.
- Felony and misdemeanor adult drug courts continue to expand in Bingham, Bonneville, Fremont, Jefferson, Madison, and Teton Counties. Presently, 13 judges (four district judges, nine magistrate judges) preside over the mix of adult misdemeanor/felony and juvenile drug courts in the Seventh Judicial District.
- Significant courthouse and court clerk office renovations were completed in Madison County during 2002, which improved court security and public access.

New Judges in 2002

DISTRICT COURT

1st Judicial District

Honorable Steven C. Verby District Judge January 2003

2nd Judicial District

Honorable John H. Bradbury District Judge January 2003

3rd Judicial District

Honorable Juneal Kerrick District Judge April 2002

Honorable Frank P. Kotyk Magistrate Judge, Canyon County June 2002

Honorable Renae Hoff District Judge January 2003

Honorable Todd M. Joyner Magistrate Judge, Canyon County January 2003

4th Judicial District

Honorable Mike Wetherell District Judge January 2003

Honorable Michael J. Oths Magistrate Judge, Ada County February 2003

5th Judicial District

Honorable Randy J. Stoker Magistrate Judge, Twin Falls County January 2003

6th Judicial District

Honorable Eric S. Hunn Magistrate Judge, Franklin County June 2002

7th Judicial District

Honorable Ralph L. Savage Magistrate Judge, Butte County January 2003

Honorable R. James Archibald Magistrate Judge, Bingham County January 2003



Judicial Changes in 2002

DISTRICT COURT

1st Judicial District

Honorable James R. Michaud District Judge Retired July 2002

2nd Judicial District

Honorable George R. Reinhardt III District Judge Retired January 2003

3rd Judicial District

Honorable Dennis E. Goff District Judge Retired January 2003

4th Judicial District

Honorable A. Richard Grant Magistrate Judge, Ada County Retired September 2002

Honorable George D. Carey District Judge Retired January 2003

5th Judicial District

Honorable R. Michael Redman Magistrate Judge, Twin Falls County Retired December 2002

6th Judicial District

Honorable Lowell D. Castleton Magistrate Judge, Franklin County Retired June 2002

7th Judicial District

Honorable James L. Martsch Magistrate Judge, Bingham County Retired December 2002

Honorable William G. Carlson Magistrate Judge, Butte County Died in office, December 2002

ANNUAL REPORT OF THE IDAHO SUPREME COURT



JUSTICE LINDA COPPLE TROUT Chief Justice





JUSTICE GERALD F. SCHROEDER



JUSTICE JESSE R. WALTERS, JR.



JUSTICE WAYNE L. KIDWELL



JUSTICE DANIEL T. EISMANN

The Annual Report of the Idaho Supreme Court is published pursuant to Idaho Code § 1-612.

2002 Administrative District Judges

Hon. Charles Hosack, 1st Judicial District Hon. John Stegner, 2nd Judicial District Hon. James C. Morfitt, 3rd Judicial District Hon. Darla Williamson, 4th Judicial District Hon. Roger Burdick, 5th Judicial District Hon. Don L. Harding, 6th Judicial District Hon. James C. Herndon, 7th Judicial District

2002 Trial Court Administrators

Hon. Don Swanstrom, 1st Judicial District Steven Caylor, 2nd Judicial District Dan Kessler, 3rd Judicial District Larry Reiner, 4th Judicial District Linda Wright, 5th Judicial District Suzanne Johnson, 6th Judicial District Burton Butler, 7th Judicial District

Contributing to the Report:

Patricia Tobias, Administrative Director of the Courts John Peay, Director of Information Systems Corrie Keller, Director of Court Services Shirley Throop, Executive Assistant

Justice Wayne Kidwell of the Idaho Supreme Court has graciously supplied the photographs that appear in the Court's 2002 Annual Report. Justice Kidwell's photographs beautifully represent the incredible splendor of Idaho.



Caseload Highlights

- 962 new appeals were filed with the Supreme Court during 2002, an increase of 13.5% over the previous year's filings.
- A total of 487,335 cases were filed in Idaho's trial courts, a drop of 2.9% from 2001.
- Continuing an explosive trend, felony drug cases increased by 14.2% to 3,347 cases filed. Just ten years ago, only 836 felony drug cases were filed.
- A record number of civil cases were filed in the district courts during 2002. A total of 7,274 civil cases were filed, an increase of nearly 8% over 2001.
- Domestic violence filings increased only slightly during 2002. There were 5,776 domestic violence cases filed, which is only 53 more cases than were filed the previous year.
- Misdemeanor DUI filings fell to their lowest point since 1994. A total of 10,921 DUI's were filed, a drop of 523 cases from the previous year's total.

- small claims filings reported a very slight increase of less than one percent over the number reported filed for 2001.
- After a record number of infraction filings for 2001, infractions were down by 4.7% in 2002, to 231,894.
- For the second consecutive year, juvenile case filings were down for 2002. A total of 12,508 juvenile cases were filed during 2002.

District Court Cases File	ed	l
---------------------------	----	---

									% Change	% Change
	1995	1996	1997	1998	1999	2000	2001	2002	2001-2002	1995-2002
Civil	5,057	5,332	5,664	5,566	5,909	5,881	6,759	7,274	+7.6%	+43.8%
Criminal	10,750	10,234	10,544	11,510	11,126	11,118	11,262	11,245	-0.02%	+4.6%
Special	404	365	390	360	465	378	550	590	+7.2%	+46.0%
TOTAL	16,211	15,931	16,598	17,436	17,500	17,377	18,571	19,109	+2.8%	+17.8%
Magistra	te Divisi	on Cases	Filed							
									% Change	% Change
	1995	1996	1997	1998	1999	2000	2001	2002	2001-2002	1995-2002
Civil	65,632	65,258	69,787	67,829	69,809	72,797	74,503	79,780	+7.0%	+21.5%
Criminal	144,976	143,185	147,497	155,709	151,048	144,637	136,594	128,691	-7.8%	-11.3%
Infractions	214,336	212,423	215,410	231,764	227,315	235,453	243,295	231,894	-6.7%	+8.1%
Juvenile	15,167	15,845	15,573	14,856	13,725	13,831	13,725	12,508	-8.9%	-17.6%
Special	13,381	13,266	13,929	13,635	14,731	15,009	15,179	15,353	+1.1%	+14.7%
TOTAL	453,492	449,977	462,196	483,793	476,628	481,727	483,296	468,226	-3.2%	+3.2%